

REMARKS

Claims 1-12 are pending in this application. Claims 13-14 have been added. New claims 13-16 contain subject matter removed from claims 7 and 12. No new matter has been added.

1. Supplemental Declaration

The original Declaration in this application used an incorrect serial number. Pursuant to the Examiner's request, Applicant hereby submits a Supplemental Declaration which identifies the application by the proper serial number.

2. Rejections under 35 U.S.C. §102(b)

The Examiner has rejected claims 1-3 and 7-9 under 35 U.S.C. §102(b) as being anticipated by Gilligan et al. (U.S. 4,099,864). The Examiner asserts that Gilligan describes a light source for a photographic printer which describes all of the claimed elements. Applicant respectfully traverses.

Gilligan describes a photographic printer device which may be used in two modes: Black & White and Color. In the Black & White mode, only one dichloric filter 34 (magenta) is likely used. In the Color mode, both the dichloric filter 34 and a color filter 44 are used (see col. 3, line 46 to col. 4, line 38). From Fig. 2 of Gilligan, it is apparent that the negative 46 is the target

surface. Thus, it is evident that the apparatus only has one plate in the light path from the sources 32 to the target 46. Moreover, it is apparent that the color filter 44 is closer to the target 48 than the source 32. Therefore, contrary to the Examiner's assertion, the Gilligan device fails to describe using more than one transparent plate which is closer to the radiation source than the target.

Moreover, it should be pointed out that when one plate (magenta) is used in Gilligan, the purpose of this plate is not to attenuate the radiation to the desired areas but to filter some wavelengths from all of the radiation. According to Gilligan, even light distribution is created by the diffusion ring A and diffusion plate B (col. 3, lines 64-68) which are positioned closer to the target 46 than the source 32. In the Color mode, it is obvious that the color filter plates of Gilligan are not essentially transparent as required by the instant claims. In Gilligan, it is likely that two of the main colors will be filtered away. Finally, it should be pointed out that the modification of the irradiation distribution in Gilligan is made in the color mixing chamber 16 and not by the plates themselves. Gilligan also tilts the light sources 32 in relation to the target and the optical centerline to distribute light. All of these measures are contrary to what is taught and currently claimed in the instant application. The claims specifically state that the several essentially transparent plants attenuate the radiation to the desired areas. Applicant submits that the foregoing comments demonstrate that the Gilligan reference does not disclose or describe the instant invention but, in fact, teaches away from the instant invention. Reconsideration and removal of the rejection is respectfully requested.

3. Rejections under 35 U.S.C. §103(a)

The Examiner has rejected claims 4 and 10 as unpatentable under 35 U.S.C. §103(a) over Gilligan in view of Janda et al. (US 5,041,952). The Examiner acknowledges that Gilligan does not disclose the use of a solar panel. The Examiner argues that it would have been obvious to a person of ordinary skill in the art to utilize the solar panel of Janda with the photographic light source of Gilligan to arrive at the claimed invention. Applicant respectfully traverses.

As discussed above, the Gilligan reference does not anticipate the instant invention. Applicant has pointed out that Gilligan teaches away from the present invention. Therefore, Applicant submits that a person of ordinary skill in the art would not be motivated to make the combination asserted by the Examiner. As such, claims 4 and 10 should also be found patentable over the prior art. Reconsideration and removal of the rejection is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/842,767

Pursuant to the provisions of 37 C.F.R. § 1.17 and 1.136(a), Applicants hereby petition for an extension of two (2) months to September 2, 2003 for the period in which to file a response to the Office Action dated March 31, 2003

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

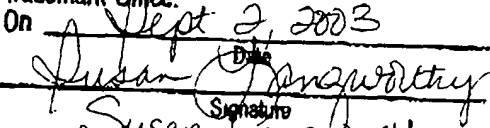
By 

Leonard R. Svensson, #30,330

LRS/KR  
0365-0502P

P.O. Box 747  
Falls Church, VA 22040-0747  
(714) 708-8555

Attachment: Supplemental Declaration

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